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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/194,700 | 03/04/1999 | URBAN WIDLUND | 000515-141 | 3507 |
| 21839 | 7590 | 06/06/2006 | EXAMINER | |
| BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 | | | KIDWELL, MICHELE M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3761 | |

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/194,700

Applicant(s)

WIDLUND, URBAN

Examiner

Michele Kidwell

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005 and 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10, 13-17 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 13-17 and 19-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 – 7, 10, 13 – 17 and 19 – 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant claims a liquid pervious surface layer that consists of a hydrophilic absorbent material in a wetting region with all remaining parts of the same liquid pervious layer consisting of a hydrophobic material. The examiner contends that the applicant does not have sufficient support for this embodiment. As shown in figure 2, there is a first layer of hydrophobic liquid pervious material such as plastic films (see specification, page 10, lines 4 – 12). On top of the liquid pervious surface layer is a hydrophilic layer (see specification, page 11, lines 15 – 28). These are two different layers not one layer with a hydrophilic center and hydrophobic surrounding as claimed.

The same rationale holds true with respect to the embodiment with the hump. There are essentially two layers with different properties, not one layer exhibiting two different properties.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 16 – 17, 19 – 20 and 22 – 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson (US 5,330,456).

With respect to claims 1, 16, 19 and 22, Robinson discloses an absorbent article comprising a liquid-pervious surface layer (102), a liquid-impervious surface layer (104) and an absorbent body (10) enclosed between the two surface layers wherein the article further exhibits a wetting region adapted to be disposed adjacent the mucous membranes of the user, which is the region of the liquid pervious surface layer which is intended to first be wetted by body fluid emitted to the article (figure 6), wherein the liquid pervious surface layer within the wetting region consists of hydrophilic absorbent material adapted to retain moisture, at least at the surface of the liquid-pervious surface layer which is intended to be facing the user during use so as to maintain the mucous membranes of the user moist, and that all remaining parts of the liquid pervious surface layer consist of a hydrophobic material (col. 5, lines 37 – 40) and wherein an extent of the wetting region is smaller than an extent of the absorbent body as set forth in figure 6.

With reference to claims 17 and 20, Robinson discloses an absorbent article wherein the wetting region covers at least part of the absorbent body as set forth in figure 6.

Regarding claims 23 – 26, see col. 4, line 36.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 8, 10, 13 – 17, 19 – 20, 22 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassen et al. (US 4,631,062) and further in view of Levesque (US 3,838,692).

With respect to claims 1, 16 and 19, Lassen et al. (hereinafter "Lassen") discloses an absorbent article comprising a liquid-pervious surface layer (80), a liquid-impervious surface layer (70) and an absorbent body (74) enclosed between the two surface layers wherein the article further exhibits a wetting region adapted to be disposed adjacent the mucous membranes of the user, which is the region of the liquid pervious surface layer which is intended to first be wetted by body fluid emitted to the article as set forth in col. 6, lines 22 – 29. Lassen also discloses an extend of wetting region to be smaller than an extent of the absorbent body as set forth in figure 9. The examiner contends that an "extent" of the wetting region may be the uppermost peak of the area generally

designated by reference numeral "80" which is smaller than an extent of the absorbent body, which is considered as the entire absorbent (74) as shown in figure 9.

The difference between Lassen and claim 1 is the provision that the liquid pervious surface layer within the wetting region consists of hydrophilic absorbent material, and that all remaining parts of the liquid-pervious surface layer consist of a hydrophobic material, and wherein an extent of the wetting region is smaller than an extent of the absorbent body.

Levesque teaches a liquid pervious surface layer where a wetting region consists of hydrophilic material and all remaining parts of the liquid pervious surface layer consist of a hydrophobic material as set forth in col. 2, lines 3 – 11.

It would have been obvious to one of ordinary skill in the art to modify the liquid pervious surface layer of Lassen to provide a layer consisting of a hydrophilic material surrounded by hydrophobic material because such a layer encourages the passage of body liquids through the layer so that they may be absorbed by the underlying structure while preventing secondary strike-through and substantially reducing skin irritation which would otherwise be caused by body fluids remaining in contact with a wet diaper liner and the skin as taught by Levesque in col. 2, lines 49 – 59.

As to claim 3, Levesque teaches the hydrophilic material in the liquid pervious surface layer primarily consisting of rayon as set forth in col. 4, lines 6 – 17.

With reference to claims 4 and 6, the examiner contends the applicant has failed to provide any unexpected result associated with the claimed limitations. Therefore, it would have been obvious to one of ordinary skill in the art to substitute the modify the

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Regarding claim 5, Levesque teaches the hydrophilic material in the liquid pervious surface layer primarily consisting of polypropylene as set forth in col. 4, lines 6 – 17.

Regarding claim 7, Levesque teaches an article wherein the liquid pervious surface layer comprises a laminate of a first liquid-pervious layer, hydrophobic material layer and a second, liquid-pervious, hydrophilic material layer as set forth in col. 4, lines 32 – 35. While Levesque does not provide an explicit arrangement and/or extension of the layers, the examiner contends that the provision of such is within the level of ordinary skill in the art since the general conditions of the claim have been disclosed by the prior art.

Regarding claim 8, Levesque teaches an article wherein the liquid pervious surface layer comprises a laminate of a first liquid-pervious layer, hydrophobic material layer and a second, liquid-pervious, hydrophilic material layer as set forth in col. 4, lines 32 – 35. While Levesque does not provide an explicit arrangement and/or extension of the layers, the examiner contends that the provision of such is within the level of ordinary skill in the art since the general conditions of the claim have been disclosed by the prior art.

With reference to claim 10, Levesque teaches an absorbent article wherein the hydrophobic material is constituted of a hydrophilic material which has been rendered hydrophobic as set forth in col. 5, lines 3 – 6.

As to claim 13, Lassen discloses an absorbent article wherein the article comprises a shaping member which, by means of influence from forces which the article is subjected to during use, has an ability to bring the wetting region into contact with the mucous membranes of the user as set forth in col. 11, line 47 to col. 12, line 26.

With reference to claim 14, Lassen discloses the shaping member as a compression as set forth in col. 12, lines 19 – 22.

As to claim 15, Lassen discloses the shaping member as an insert as set forth in col. 12, lines 38 – 42.

With respect to claims 17 and 20, both Levesque and Lassen disclose an absorbent article wherein the wetting region covers at least a portion of the absorbent body as set forth in col. 7, lines 29 – 35 and in figure 2, respectively.

With respect to claims 22 – 26, both Levesque and Lassen disclose the absorbent article as a sanitary napkin as set forth in col. 7, lines 34 – 35 and in figure 1, respectively.

Response to Arguments


Applicant's arguments filed August 8, 2005 have been fully considered but they are not persuasive.

The applicant maintains the current rejection because the applicant's arguments are not persuasive. The applicant argues an absorbent material, but according to page 11, lines 24 – 28 of the instant specification, the hydrophilicity of the layer provides the claimed absorbency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michele Kidwell
Primary Examiner
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